



lev
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,944	12/14/1999	ERAN SITNIK	PHA23.898	3145

24737 7590 10/02/2003

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 10/02/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/460,944

Applicant(s)

SITNIK, ERAN

Examiner

KIEU-OANH T BUI

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See the attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

**ANDREW FAILE****SUPERVISORY PATENT EXAMINER**

DETAILED ACTION

Response to After Final Arguments

1. Applicant's arguments filed on 8/25/03 have been fully considered but they are not persuasive.

Applicant basically argues that both reference of Hwang and Levin do not show all of the features of independent claims 1, 7, 12, 19 and 20; and even if all the features are shown in the combination of Hwang and Levin, there is no motivation to combine; and the Levin reference is from a non-analogous art.

First, let's analyzing claim 1, and if claim 1 falls, the rest of claims 7, 12, 19 and 20 falls together because of similar recitations and they are all rejected for the same reasons as discussed below. Claim 1 only cites a first television that is capable of connecting to an other television (without any further description as how and whatsoever), and a processor (then, with a confusing language to describe the next step that one can not easily to recognize clearly what going on; and it should have been rejected previously under the Rejection 112-2nd for it does not clearly point out to exactly what is claiming about) for providing **“query information requesting information identifying ...”** at least one of channel **“currently watched on the other television”** (means “currently watching” instead on the second one?) and then ... **automatically provide queried information identifying (the same thing, meaning to a same query or to a different query?)... at “said television”** (which one does the Applicant refers now, the first one or the other one?) **in response to a query request from “the other television” (a second one?).**

Secondly, Hwang does not further identify exactly those requests as query information “identifying at least one of content and channel currently watched on the other television” and providing “queried information identifying at least one of content and channel currently watched at said television” in response to a query request from the other television; however, the

• Art Unit: 2611

technique of using “a query request” from a user to request for “query information” from another user, either those users uses televisions, phones, faxes or computers is taught by Levin as Levin discloses an exactly same technique as mentioned by using a query or group of information queries within the validation requests as the user wants to access directly on-line to his or her service provider for additional information on services and/or products (see Levin, Figs. 1, 2A & 2B, col. 1/lines 45-67; and col. 2/lines 15-46; col. 3/line 32 to col. 4/line 47 for more details on the query databases and responses therein as the user can request a movie information to a currently watched movie, for example, by accessing to an information server for additional information in real-time, see col. 2/line 60 to col. 3/line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hwang’s television-to-television interactive system with Levin’s teaching technique in using query information as means for communicating between PCS or PC-televisions, it is well-known in the art that a PC can be incorporated into a TV as a PCTV for handling television and PC functions, as long as there is a request for that queried information initiated by one of the interactive television users as desired.

Furthermore, what is “a query” then? Basically, it is simply “a request for information” (by a standard English definition). Understanding that, the system of Hwang by it self alone, can reads on this limitation for sure, because Hwang provides a network of television that users can request for interactive television or multimedia on demand service (col. 5/line 60 to col. 6/line 30) and under a control from a channel processor, a request for information from a user of a group for the at least same content and channel currently watching on other televisions within the group-viewing channels is disclosed (col. 19/line 64 to col. 20/line 59 for this concern). Since Hwang does not clearly uses the term “query or a query information”, the Examiner intends to give a better clarification by combining with the reference of Levin; and as discussed above, the Examiner believes that all of the features are shown in the combination. The motivation here is

Art Unit: 2611

clearly to provide users the necessary identification for the priority process as suggested by Hwang as the system can determine and control the requests for information in an orderly manner (see col. 20/line 50 to col. 21/line 17 as the system controls the “wait-in line viewers” for providing multimedia services for group-viewing channels if all the seats are occupied, or simple terms, all available channels are occupied). Finally, Levin is a related art, not a non-analogous art, because both Hwang and Levin disclose LAN servers and most importantly, both offers viewers to access to the Internet for services (Hwang, col. 10/lines 29-46 & col. 11/lines 20-33; and Levin, col. 4/lines 23-63).

Conclusion

2. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Art Unit: 2611

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
September 29, 2003